

// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of November, 2004, at 7:30 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Council Member Seiffert gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Absent: 0

// Copies of the minutes of the October 26 (four meetings), 2004 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Vice Mayor Foster, seconded by Council Member Johnson, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of City Council, City Council Report #2 was considered. On motion of Vice Mayor Foster, seconded by Council Member Johnson, Council by the following recorded vote approved the revised Physical Development Committee Guidelines:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Police - General, City Council Report #3 was considered. On motion of Vice Mayor Foster, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-04-134, as presented, amending the FY 2005 City/Federal/State Aid Fund budget and appropriating \$4,500, fully reimbursable, for selective enforcement activities and investigations targeting DUI and other traffic safety violations:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Police - General, City Council Report #4 was considered. On motion of Vice Mayor Foster, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-04-135, as presented, amending the FY 2005 City/Federal/State Aid Fund and appropriating \$10,000, fully reimbursable, for selective enforcement activities targeting DUI and other safety violations:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - General, City Council Report #5 was considered. On motion of Vice Mayor Foster, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-04-136, as presented, appropriating \$8,941, fully reimbursable, for the continuation of litter control and recycling activities for FY 2005:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Library - General, City Council Report #6 was considered. On motion of Vice Mayor Foster, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-04-137, as presented, amending the FY 2005 City/Federal/State Aid Projects Fund and appropriating \$38,507, fully reimbursable, to enhance early childhood literacy and promote effective parenting:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Human Services - General, City Council Report #7 was considered. On motion of Vice Mayor Foster, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-04-138, as presented, amending the FY 2005 City/Federal/State Aid Projects Fund and appropriating \$87,000, fully reimbursable, for the Juvenile Detention Alternatives Initiative:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// Mayor Hutcherson recognized a group of Russian educators who are in Lynchburg via the Open World Program and the local Rotary Club.

// Mr. James Elson presented City Council with a copy of his book entitled "Lynchburg, Virginia – The First Two Hundred Years."

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #8 regarding a proposed amendment to Condition 15 of the Conditional Use Permit approved by City Council on December 16, 2003, for Jerry Falwell Ministries at 100 Mountain View Road, 1971 University Boulevard and Liberty Mountain Drive related to vehicular access points. City Planner Tom Martin outlined the request, stating that both the Planning staff and the Planning Commission are recommending that the condition be changed to allow for an additional access to the property to create a more defined entrance into the property and to improve traffic circulation on the property. Ms. Maggie Cossman, Perkins & Orrison, design engineers for the project, outlined the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-04-139, as presented, amending Condition 15 of the Conditional Use Permit adopted on December 16, 2003, to allow for an additional entrance to the property at 100 Mountain View Road:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #9 outlining the petition of Joe Gantt to rezone approximately 6.1 acres from R-1, Single-Family Residential District, to R-3, Two-Family Residential District, and for a Conditional Use Permit at 716, 718 & 726 Leesville Road to allow the construction of 59 town homes. City Planner Tom Martin outlined the

request. Mr. Gantt provided a brief overview regarding the project and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Dodson, seconded by Vice Mayor Foster, Council by the following recorded vote adopted Ordinance #O-04-140, as presented, approving the rezoning request:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

On motion of Council Member Dodson, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-04-141, as presented, granting the Conditional Use Permit:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report #10 outlining the petition of Compson Development, LC, to rezone approximately 1.3 acres at 108 Melinda Drive and Wards Road from R-4, Multi-Family Residential, to B-3, Community Business District (Conditional), to allow for a commercial entrance to a proposed shopping center on property located in Campbell County. City Planner Tom Martin outlined the request, explaining that the developer has addressed the Planning Department's two main concerns regarding stormwater and traffic. Jerry Falwell, Jr., representing the petitioner, along with Chris Doyle, the leasing agent for the development, Tom Austin, engineer for the development, and Thomas Comparato, President of Compson's Virginia office, outlined the request and asked for approval. Mr. Falwell explained that the developer has agreed that the stormwater management systems will be designed and built to address both the quantity and quality of water discharged from the property in accordance with City standards. Mr. Falwell went on to say that the developer has also agreed to pay for traffic/road improvements estimated to cost \$400,000 in addition to paying up to \$50,000 to match City contributions to implement and construct traffic calming measures in the Vista Acres neighborhood. Mr. Falwell also noted that although the purpose of the rezoning request is to allow for a main entrance to the shopping center, there are other options available to the developer to secure an entrance to the tract of land which was rezoned earlier by Campbell County for a shopping center. Judy Mazurkiewicz, representing residents of the Vista Acres neighborhood, along with Sherry Blair and Janet Richardson all expressed concerns regarding the negative impact that this development will have on the adjoining neighborhood, i.e., increased cut-through traffic and speeding on primarily residential streets, increased crime, and the concern that the location of the proposed traffic signal will make it more difficult for the residents to exit Melinda Drive onto Wards Ferry Road. Mr. Jim Whitaker expressed concern regarding the current traffic congestion along Wards Road and the negative impact that it is having on existing businesses and stated that the City needed to do something in this regard. There was no one else present who wished to speak to this item and the public hearing was closed. In response to Council questioning, Traffic Engineer Gerry Harter distributed a portion of a traffic impact study for Compson development which was referenced to earlier by Tom Austin, engineer for the

development. Several Council Members expressed an interest in receiving a copy of the entire traffic study, and City Manager Kimball Payne agreed to forward a copy to City Council. In response to Council questioning, Mr. Comparato stated that although the developer does have other options with regard to an entrance to the property, the developer believes that the Wards Ferry Road entrance would be the safest entrance. In response to Council Member Gillette's question, several members of the neighborhood group indicated that although they are opposed to the shopping center, they do support the proffers submitted by the developer for the road/traffic improvements. Ms. Mazurkiewicz still voiced concern regarding the location of the traffic signal and its impact on Melinda Drive. In response to Vice Mayor Foster's interest in a traffic study of the Wards Road/Wards Ferry Road area, City Manager Payne stated that such a study should probably occur after the Route 29 Bypass is opened, which is scheduled for December 2005. Several Council Members stated that they would like more time to review the information in addition to the traffic impact study. Following discussion, and on motion of Council Member Dodson, seconded by Council Member Johnson, Council by the following recorded vote agreed to postpone this item until the November 23 work session:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	7
Noes:	0

// In the matter of Airport - General, City Council Report #11 regarding approving a five (5) year lease extension, as revised, with Aviation Resources, Inc. (d/b/a Virginia Aviation), for fixed based operations at the Lynchburg Regional Airport was considered. Airport Manager Mark Courtney provided a brief overview regarding the request. On motion of Council Member Dodson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-04-142, as presented, approving a five (5) year lease extension, as revised, with Aviation Resources, Inc. (d/b/a Virginia Aviation), for fixed based operations at the Lynchburg Regional Airport:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	7
Noes:	0

// In the matter of Community Planning – Zoning, City Planner Tom Martin stated that a request has been received from Liberty University asking for an extension of the December 16, 2004, deadline for the construction of the westbound “on” ramp from Liberty University to U. S. Route 460, which was a condition of a Conditional Use Permit (CUP) approved by City Council on December 16, 2003. Mr. Martin went on to say that if an extension is granted, that Liberty University also be required to extend the Letter of Credit, which expires in January, which was given as surety for the construction of the ramp. Jerry Falwell, Jr., representing Liberty University, stated that the extension was requested because the Virginia Department of Transportation (VDOT) is requiring that the ramp comply with its standards for mainline roads, which would require the ramp to be wider and thereby more expensive. Mr. Falwell went on to say that an extension of the December 16 deadline is now not needed because an agreement has been reached with VDOT which would allow for the narrow ramp to be built by December 16 and the additional required shoulder width to be built by July. City Manager Kimball Payne stated that since the CUP required the

ramp to be approved by VDOT, that an extension to the deadline is needed. Following discussion, and on motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote granted an extension until July 16, 2005, for the construction of the westbound "on" ramp from Liberty University to U. S. Route 460 contingent upon the Letter of Credit given as surety for the construction of the ramp also being extended for this same period of time:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// The meeting was recessed at 9:58 P.M. to November 23, at 1:00 P.M., to conduct a work session regarding several items.

Clerk of Council